

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Jaffe on June 2, 2009.

The application has been amended as follows:

#### **In the claims:**

Claim 1. (Currently Amended) An improved method for an e-commerce retailer to display and sell items of a third party comprising:

identifying, by a processor, each item of a third party supplier with a unique identifier, wherein a particular third party supplier provides photo-finishing services;

associating, by a processor, the unique identifier of the item with an image for the item, said image residing on a computer maintained by the third party supplier, wherein the unique identifier is further associated with a user, at least one of the images corresponding to user photographic images;

in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line

commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party; and

in response to an order request from the user to the e-commerce retailer, for one or more items,

identifying, by a processor, based at least in part on said unique identifier, each item requested, the user, and an appropriate third party supplier for each requested item, automatically generating, by a processor, an order for each requested item to be transparently sent to the third party supplier, and

when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

Claim 58, (Currently Amended) A system providing an improved method for an e-commerce retailer to display and sell items of a third party, said system comprising:

an e-commerce retailer to identify each item of a third party supplier with a unique identifier, wherein an item of a third party supplier includes at least one graphic image and corresponds to a photo finishing service offered to a user, the unique identifier associated, at least in part, with the user;

an image server configured to receive ~~module for receiving~~ user information requests from the e-commerce retailer regarding certain third party supplier items including a user-initiated information request from the user for at least one specific item of the third party, and

transparently ~~provide~~ ~~providing~~ images and descriptions of said items retrieved from a computer maintained by the third party supplier in response to user information requests at least some graphic images being based on photographs previously taken by the user; and

an order engine module, in communication with said image server module, for processing orders for third party supplier items, the order engine module further for splitting orders that include items from the e-commerce retailer and items corresponding to user photographs from one or more third party suppliers amongst the e-commerce retailer and appropriate third party suppliers.

Claim 67. (Currently Amended) A computer readable medium that provides instructions, which when executed on a processing system, cause said processing system to perform a method comprising:

identifying each item of a third party supplier with a unique identifier;  
associating the unique identifier of the item with an image for the item, said image residing on a computer maintained by the third party supplier, wherein the unique identifier is further associated with a user;

transparently presenting, by an e-commerce system, third party supplier items to a user for on-line commerce;

receiving user information requests at the e-commerce system regarding certain graphic images from an item presentation program logic, and providing digital images for display wherein said digital images are retrieved from a computer system maintained by the third party

Art Unit: 3625

supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party;

splitting orders that include items from the e-commerce system and items from one or more third ~~parties~~ party suppliers amongst the e-commerce system and the appropriate third party suppliers, wherein a particular third party supplier provides photo-finishing services for the graphic images and at least some of the items include user photographic images; and

processing orders for graphic images to be transparently sent to the appropriate third party supplier.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance. Claims 1-18, 58-60, 64, 65, 67, 73 and 75-79 are allowed.

#### **Claim 1**

The prior art of record, either alone or combined, neither anticipates nor fairly and reasonably renders obvious the method of claim 1. In particular, the prior art does not anticipate nor fairly and reasonably teach an improved method for an e-commerce retailer to display and sell items of a third party comprising: identifying each item of a third party supplier with a unique identifier, wherein a particular third party supplier provides photo-finishing services; associating the unique identifier of the item with an image for the item, said image residing on a computer maintained by the third party supplier, wherein the unique identifier is further associated with a user, at least one of the images corresponding to user photographic images; in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party; and in response to an order request from the user to the e-commerce retailer, for one or more items, identifying, based at least in part on said unique identifier, each item requested, the user, and an appropriate third party supplier for each requested item, automatically generating an order for each requested item to be transparently sent

to the third party supplier, and when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

The prior art do not teach the method taken as a whole.

One remarkable prior art is Tam et al. 2002/0184116 A1, previously cited (hereafter referred to as “Tam ‘116”). The prior art Tam ‘116 teaches a method for an e-commerce retailer, i.e. aggregator, to display and sell items of a third party, i.e. seller, (e.g. Fig. 1) comprising: identifying each item of a third party supplier with a unique identifier (Figs. 5F and 8 and ¶¶0035 and 0036); associating the unique identifier of the item with an image of the item, said image residing on a computer maintained by the third party supplier (Fig. 5F and ¶0035); and presenting at least some of the images of third party supplier items to the user, i.e. buyer, for on-line commerce, (Fig. 8 and ¶0078-0079), with the seller maintaining the images on the seller computer (Fig. 5F). Tam ‘116 also teaches a structure of holding product information for the purpose of selling (see, e.g., Fig. 2).

Tam ‘116 does not specifically teach wherein a particular third party provides photo-finishing services, the images corresponding to user photographic images, associating the unique identifier with a user, retrieving the images from the seller’s computer in response to a product request, identifying each item requested based in part on the identifier in response to a product request, identifying and generating an order for each item to be sent to the appropriate third party seller, and when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

Another remarkable art is Tam et al., US 2002/0147656 A1, previously cited (hereafter referred to as “Tam ‘656”). The related application of the prior art Tam ‘656 teaches a system and method for e-commerce using a catalog wherein the images of the third party supplier items are presented by an e-commerce retailer in response to a product request from a user to the e-commerce retailer, i.e. aggregator (§§0071 and 0076), the product information residing in the seller’s computer is retrieved by the aggregator (§§0021, 0025 and 0026), and in response to an order request from the user to the e-commerce retailer for one or more items, identifying, based at least in part on said unique identifier, each item requested and an appropriate third party supplier for each requested item and automatically generating an order for each requested item to be transparently sent to the third party supplier (§§0037, 0038 and 0047). However, Tam ‘656 does not cure the other deficiencies of Tam ‘116, namely wherein a particular third party provides photo-finishing services, the images corresponding to user photographic images, associating the unique identifier with a user, the product request being for at least one specific item of the third party, and when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

A third remarkable art is McIntyre et al., US 2005/0114232 A1, previously cited (hereafter referred to as “McIntyre”). McIntyre teaches a system and method for providing image goods and/or services to multiple parties at different locations including the known techniques of associating a unique identifier for a product such as an image with a user and

identifying the user based on the identifier (§§0027 and 0031), and of retrieving images in response to a product request for a specific item (§0036). However, this does not cure the remaining deficiencies of Tam, namely wherein a particular third party provides photo-finishing services, the images corresponding to user photographic images, and when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

A fourth remarkable prior art is Baum, US 2002/0065741 A1, previously cited (hereinafter referred to as “Baum”). Baum teaches a method for distributing images to multiple recipients including wherein a particular third party provides photo-finishing services and wherein the images correspond to user photographic images that are encoded with a unique identifier (*see, e.g.*, §0075). However, this does not cure the remaining deficiencies of Tam, namely when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

A fifth remarkable prior art is Johnson et al., US 6,505,172 B1, previously cited (hereinafter referred to as “Johnson”). Johnson teaches a method for electronic sourcing of items including automatically splitting an order including items from the retailer and items from one or more third parties amongst the retailer and the appropriate third parties (col. 15, line 39 through col. 16, line 15).



A final remarkable prior art, newly cited, is Linker et al., US 6,901,378 B1 (hereafter referred to as “Linker”). Linker teaches a system and method for storing and displaying images and products with that image whereby images are retrieved from a client computer by a search engine in response to a request, and the image along with products associated with the image are displayed for purchase (see, e.g., col. 7, line 13 through col. 8, line 19).

While the above cited prior art publications teach the individual parts of the invention, the prior art taken together do not reasonably teach the invention taken as a whole, and thus claim 1 is allowable.

**Claims 2-10 and 12-18.**

Claims 2-10 and 12-18 are dependencies of independent claim 1 and are allowable over the prior art for the reasons identified above with respect to claim 1.

**Claim 58.**

Claim 58 recites a system comprising a retailer, server and engine module configured to perform functions consistent with and parallel to the limitations and steps of the method of claim 1. This apparatus is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

**Claims 59, 60, 64 and 65.**

Claims 59, 60, 64 and 65 are dependencies of independent claim 58 and are allowable over the prior art for the reasons identified above with respect to claim 58.

**Claim 67.**

Claim 67 recites an apparatus comprising a computer readable medium storing instructions that cause a processor to perform functions consistent with and parallel to the limitations and steps of the method of claim 1. This apparatus is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

**Claims 73 and 75**

Claims 73 and 75 are dependencies of independent claim 67 and are allowable over the prior art for the reasons identified above with respect to claim 67.

**Claim 76.**

Claim 76 recites an apparatus comprising a computer readable medium storing instructions that cause a processor to perform functions consistent with and parallel to the limitations and steps of the method of claim 1. This apparatus is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

**Claims 77-79**

Claims 77-79 are dependencies of independent claim 76 and are allowable over the prior art for the reasons identified above with respect to claim 76.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMEE A. SHAH whose telephone number is (571)272-8116. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/  
Supervisory Patent Examiner, Art Unit  
3625